

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



December 20, 2016

Meridith H. Moldenhauer
Griffin, Murphy, Moldenhauer & Wiggins, LLP
1912 Sunderland Place, NW
Washington DC, 20036

RE: 1107 H Street NE- Square 982, Lot 70 (the, "Property")

Dear Mrs. Moldenhauer,

This letter is in reference to the meeting we had on October 26, 2016, regarding your client's potential redevelopment of the property located at 1107 H Street NE. I would like to memorialize the discussion regarding the applicability of certain floor area ratio ("FAR") bonuses to the Property and the required off-street parking requirement.

Property Background

1107 H Street NE is located on Lot 70 in Square 982 and has a lot area of 5,667 square feet. The Property fronts on H Street NE and is split-zoned; approximately 4,200 square feet of the Property nearest to H Street is in the NC-16 Zone District, while approximately 1,467 square feet of the Property nearest to the rear lot line is in the MU-4 Zone District. *See*, ZR-16 Zoning Map at Exhibit A.

The Property is approximately 42 feet wide along H Street NE and approximately 62 feet wide in the rear. The additional width in the rear is due to an approximately 20 foot by 10-foot-wide jut that provides access to the Square's alley. The Property is currently improved with a two-story commercial building. The Property does not currently have any off-street parking.

Zone District Background

The NC-16 Zone District is one of nine H Street Northeast Neighborhood Mixed-Use zones, which, collectively, were previously referred to as the H Street Overlay¹. The purpose of the H Street Northeast Neighborhood Mixed-Use zones (hereinafter, "H Street Overlay") is, in part, to implement the policies and goals of the H Street NE Strategic Development Plan; establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street NE commercial corridor; and to encourage new construction to preserve existing façades constructed before 1958. *See*, Subtitle H § 900.1.

1100 4th Street, SW 3rd Floor Washington, D.C. 20024
Phone: (202) 442-4576 Fax: (202) 442-4871

¹ The Zoning Commission took final action on ZC 04-27, H Street NE Neighborhood Commercial Overlay Zone District, on January 9, 2006.

In furtherance of those goals, the Zoning Regulations requires certain design criteria, encourages specific uses within designated sub-areas, and permits additional density for structures that preserve a pre-1958 façade.

Description of Proposed Project

Your client seeks to convert the commercial structure into a mixed-use residential building, with commercial/retail uses on the ground floor and in the cellar, and residential units above. In addition, your client seeks to preserve the pre-1958 façade.

FAR Bonus

Pursuant to Subtitle H § 902.1, the maximum FAR in the NC-16 zone district, including the inclusionary zoning density bonus, is 3.0. FAR is “[T]he ratio of the total gross floor area of a building to the area of its lot; determined by dividing the gross floor area of all buildings on a lot by the area of that lot.” *See*, Subtitle B § 100.2. FAR is measured by dividing the total GFA of all buildings on a lot by the area of that lot and is indicative of the density permitted on a lot. *See*, Subtitle B § 303.1.

Under Subtitle H §§ 902.3 and 902.4, new construction that preserves an existing pre-1958 façade is permitted an additional 0.5 FAR to the maximum permitted non-residential density and the maximum permitted residential density (“FAR façade bonus”); thereby, increasing the maximum density in the NC-16 to 3.5 FAR. As FAR applies to lots in their totality and the provisions of Subtitle H applies to lots in their entirety, a redevelopment of the Property that preserves the existing pre-1958 façade, to a level deemed satisfactory upon review of the architectural plans², can apply the 0.5 FAR façade bonus to all 5,667 square feet of Lot 70. In arriving at this interpretation, I have reviewed the entirety of Subtitle H. This interpretation is consistent with a comprehensive reading of Subtitle H, specifically the subsections that reference lots, including but not limited to Subtitle H §§ 900.16, 909.1(d) and 910.1.

Off Street Parking Requirement

The Property was improved prior to 1958 without any off-street parking. The most recent use of the Property was as a retail thrift store with approximately 5,376 square feet of retail gross floor area. *See*, 2012 Certificate of Occupancy at Exhibit B. Under 11 DCMR § 2101.1³, one parking spaces for every 300 square feet of gross floor area and cellar floor area in excess of 3,000 square feet was required; resulting in a requirement of eight off-street parking spaces. Those eight spaces were not provided and are therefore treated as grandfathered parking credits. The grandfathered parking credits generated by the prior use can be credited toward the parking requirement for the proposed project.

Conclusion

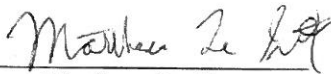
In conclusion, a mixed-use development at the Property that preserves the existing pre-1958 façade may apply the FAR façade bonus to the entire lot, and the parking credits generated

² The 2016 Zoning Regulations currently does not define “preserves” in Subtitle H. However, a text amendment to the Zoning Regulations may offer more guidance in the future. Any request to apply the FAR façade bonus will have to satisfy the requirements identified in the Zoning Regulations at the time building permits are filed.

³ The prior retail thrift store use needed to satisfy the parking requirement under the 1958 Zoning Regulations.

by the prior retail use may be applied towards the parking requirement for the proposed new mixed-use development.

Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments:

Exhibit A-2016 Zoning Map
Exhibit B- 2012 Certificate of Occupancy

File: Det Let re 1107 H St NE to Moldenhauer 12-20-16